

### REMARKS

This is a response to the Office Action dated July 19, 2006. The Examiner has rejected claims 1-6, 8-19 and 21-26 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,968,295 (“Carr”). Claims 1, 2, 11, 13, and 24-26 have been amended for clarity and not for reasons related to patentability. No new matter has been added. Applicants appreciate the Examiner’s acknowledgment that claims 7 and 20 would be allowable if re-written in independent form. Reconsideration of the application is respectfully requested in light of the following remarks.

The Examiner rejected claims 1-6, 8-19 and 21-26 under 35 U.S.C. § 102(e) as being anticipated by Carr. Carr relates to a “method and system for auditing the energy-usage by a facility [that] includes an energy-using system having an operating parameter with a value.” Carr, Abstract. The system in Carr creates an energy model for a facility based on initial data and energy-usage estimates. Carr, Abstract and Fig. 1.

Carr fails to disclose an analysis within a time period to determine a relationship between energy usage data and quantity metadata as in amended claims 1, 11, 24 and 26. Carr does disclose “recording of measurements with a plurality of sensors at predetermined intervals for a predetermined time.” Carr at Col. 10, ll. 3-5. Carr is merely disclosing the measurement of energy usage data for a predetermined time and fails to a time period within which energy usage data and quantity metadata are analyzed to determine a relationship. There is no disclosure of a time period within which to make a determination as in amended claims 1, 11, 24 and 26.

Carr fails to disclose monitoring the identified at least one energy driver as in amended claims 1, 24 and 25. The Examiner alleges that an energy driver is identified, but there is no further disclosure of monitoring of the energy driver. *Id.* at Col. 16-17, ll. 34-34. Carr discloses the development of an energy model, including predicting energy usage. *Id.* at Col. 32, ll. 13-29, 55-59. There is no disclosure of the monitoring of an identified energy driver as in amended claims 1, 24 and 25. Further,

there is no disclosure of monitoring the identified energy driver *to manage energy usage* as in amended claims 24 and 25.

Carr fails to disclose potential energy drivers or predetermined energy driver quantities used in identifying an energy driver as in amended claims 11 and 25. In particular, there is not disclosure of determining at least one relationship by analyzing quantity metadata, energy usage data and potential energy drivers. The Examiner alleges that Carr discloses determining at least one relationship, but that determination does not include potential energy drivers. *Id.* at Col. 16-17, ll. 34-34.

Carr fails to disclose statistical analysis to “assess the quality of the at least one relationship . . . and identify at least one energy driver from the quantity metadata contributing to the determined at least one relationship” as in amended claim 26. Carr does disclose linear regression as a statistical analysis. *Id.* at Col. 27, ll. 27-47. However, the system in Carr uses linear regression to analyze the performance of a compressor and is completely unrelated to the identification of an energy driver or specifically, the assessment of the quality of relationships between variables.

Accordingly, the Applicants submit that amended independent claims 1, 11, and 24-26 are in condition for allowance. Dependent claims 2-5, 8-10, 12-18 and 21-23 should be allowed for the reasons set out above for the independent claims. In addition, the Applicant’s maintain the arguments from the previous Office Action Response, which are discussed below.

Carr fails to disclose identifying at least one unknown energy driver as in independent claims 1, 11, and 24-26. Carr does disclose the creation of an energy model. Carr, Fig. 1, Col. 16, ll. 34-39. The model is based on “initial data acquired at the initial values of the operating parameters of the energy-using systems.” *Id.* at Col. 16, ll. 38-39. Also, acquired data is used for changes in the energy usage of the system. *Id.* at Col. 16, ll. 39-43. The model that is created relates to energy usage of a facility. *Id.* at Col. 16, ll. 34-56. For example, the “model of the building construction, or building envelope, includes consideration of the weather data and various building 33 parameters (e.g., roof material, wall construction, floor

construction, etc.).” *Id.* at ll. 58-61. Accordingly, the model uses a variety of “parameters” for developing an energy usage model. *Id.* The parameters are inputs that influence and define the energy usage model, establishing an estimate (model) of energy usage for a facility.

Carr does not disclose that an energy driver is identified. Rather, the parameters in Carr are used to generate an energy usage model that models the energy usage of a facility. The model’s output is the *amount* of energy usage and not an energy driver. *Id.* at ll. 33-39. Given acquired data and parameters, the model can show the energy usage of a facility. *Id.* The model does not identify an energy driver, rather the user must input the energy drivers (parameters) into the model. Accordingly, although the parameters may be energy drivers in the sense that they influence energy usage, they are not identified by the system in Carr. In Carr, a parameter, such as weather data is used by the software to determine “internal and envelope (i.e., external) loads on the facility 10.” *Id.* at Col. 17, ll. 9-11. For example, weather data is used to develop the model for the energy usage load on a facility. The system does not identify weather data as an energy driver, although the “parameters” may be used to calculate energy usage load. The parameters are inputs into the Carr model, rather than outputs. In other words, the energy usage data is not used to identify the weather data, rather the weather data is used to identify the energy usage data.

In addition, Carr fails to disclose the identification of an energy driver that influences the *energy usage data*. Carr does disclose initial data and acquired data. *Id.* at 37-40. The acquired data is energy usage data that is used as “a tune-up of the energy-using system.” *Id.* at 42-43. However, there is no disclosure of the identification of an energy driver that influences the energy usage data. As discussed above, if the parameters are viewed as energy drivers, they are not identified or output from the system. If the energy model is viewed as an energy driver itself, then there is no disclosure that the energy model influences energy usage data. In fact, the exact opposite is true because it is the energy usage data that influences the energy model in

Carr, rather than the other way around. As discussed above, the energy model of Carr is an output of energy usage, such as an amount or a trend in energy usage, but not an identification of the variables that drive that energy usage. Accordingly, there is no disclosure of identification of energy drivers that influence the energy usage data.

The model in Carr may help to determine and identify an amount of future energy usage, but there is no disclosure of identification of energy drivers based in part on a relationship between quantity metadata and energy usage data as discussed above. Carr relates to a determination of future energy usage, but not an identification of energy drivers that may cause that future energy usage. Specifically, the modeling system in Carr does not disclose identifying the at least one energy driver from the quantity metadata contributing to the determined at least one relationship, wherein energy consumption is at least based on the at least one energy driver as in claims 1, 11 and 24-26. In addition, the energy drivers are identified based on a relationship between quantity metadata and energy usage data, which is not disclosed in Carr. As discussed above, the system in Carr develops an energy usage model that may simulate energy usage, but fails to identify energy drivers and fails to identify energy drivers “from the quantity metadata contributing to the determined at least one relationship [between the quantity metadata and energy usage data].”

Accordingly, Carr does not disclose the identification of at least one energy driver as claimed. While Carr does disclose a model of energy usage, Carr fails to disclose the identification of energy drivers by a relationship between quantity metadata and energy usage data. Because Carr fails to disclose the identification of an energy driver as claimed in independent claims 1, 11 and 24-26, these claims should be allowed. Dependent claims 2-5, 8-10, 12-18 and 21-23 were also rejected pursuant to 35 U.S.C. § 102(e) as being anticipated by Carr. Dependent claims 2-5, 8-10, 12-18 and 21-23 should be allowed for the reasons set out above for the independent claims. Applicant therefore requests that the Examiner withdraw this rejection of these claims.

**CONCLUSION**

The rejections in the Office Action dated July 19, 2006 have been addressed and no new matter has been added. Applicants submit that all of the pending claims are in condition for allowance and notice to this effect is respectfully requested. The Examiner is invited to call the undersigned if it would expedite the prosecution of this application.

Respectfully submitted,

10-25-06  
Date

Scott A. Timmerman  
Scott A. Timmerman  
Registration No. 55,678

Attorney for Applicants

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200